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JUN 20 2008

## MARTIN &amp; FERRARO, LLP

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## FACSIMILE TRANSMITTAL

## TO:

Name: Mail Stop AF  
Group Art Unit 3738  
Examiner David H. Willse

Firm: U.S. Patent &amp; Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 10/674,971

Gary K. Michelson

Filed: September 30, 2003

METHOD FOR INSERTING AN INTERBODY  
SPINAL FUSION IMPLANT HAVING AN  
ANATOMICALLY CONFORMED TRAILING END

Attorney Docket No. 101.0059-02000

Customer No. 22882

Confirmation No.: 4939

## FROM:

Name: Amedeo F. Ferraro, Esq.

Phone No.: 310-286-9800

No. of Pages (including this): 14

Date: June 20, 2008

Confirmation Copy to Follow: NO

## Message:

## CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Transmittal Form (in duplicate) and Amendment After Final are being facsimile transmitted to the U.S. Patent and Trademark Office on June 20, 2008.

  
Miyabi Grace Forker

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FORM PTO-1083

Attorney Docket No.: 101.0059-02000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson

Serial No.: 10/674,971

Filed: September 30, 2003

For: METHOD FOR INSERTING AN INTERBODY  
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JUN 20 2008

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an Amendment After Final in reply to the Final Office Action dated April 23, 2008 in the above-identified application.

- ☒ No additional fee is required.
- ☐ Applicant hereby requests a \*\*\*-month extension of time to respond to the above office action.
- ☐ A Terminal Disclaimer is enclosed.
- ☐ An Information Disclosure Statement Under 37 C.F.R. § 1.97(\_\_\_\_) with Form PTO/SB/08 is enclosed.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	31	-	48	**	LG=\$50 SM=\$25	\$50 \$ 0
INDEPENDENT CLAIMS FEE	2	-	4	***	LG=\$200 SM=\$100	\$200 \$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$360 SMALL ENTITY FEE = \$180	\$ 0
TOTAL						\$ 0

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" in THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" in THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☐ The total amount of \$\*\*\*.00 to cover the \*\*\*-month extension fee is to be charged to Deposit Account No. 50-3728.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3728. **A copy of this sheet is enclosed.**
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
MARTIN & FERRARO, LLP

Date: June 20, 2008

By: Amedeo F. Ferraro  
Registration No. 37,1291557 Lake O'Pines Street, NE  
Hartsville, Ohio 44632  
Telephone: (310) 286-9800  
Facsimile: (310) 286-2795

Transmittal of Amendment 6-20-08

FORM PTO-1083

Attorney Docket No.: 101.0059-02000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson

Serial No: 10/674,971

Filed: September 30, 2003

For: METHOD FOR INSERTING AN INTERBODY  
SPINAL FUSION IMPLANT HAVING AN  
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Art Unit: 3738

Examiner: David H. Willse

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- ☐ A Terminal Disclaimer is enclosed.
- ☐ An Information Disclosure Statement Under 37 C.F.R. § 1.97( ) with Form PTO/SB/08 is enclosed.

The fee has been calculated as shown below:

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TOTAL CLAIMS FEE	31	-	49	**	0	LG=\$50 SM=\$25	\$ 0
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FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS						LARGE ENTITY FEE = \$900 SMALL ENTITY FEE = \$180	\$ 0
						TOTAL	\$ 0

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- ☐ The total amount of \$\*\*\*.00 to cover the \*\*\*-month extension fee is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
MARTIN & FERRARO, LLP

Date: June 20, 2008

By: Ahmed F. Ferraro  
Registration No. 37,1291557 Lake O'Pines Street, NE  
Hartsville, Ohio 44632  
Telephone: (310) 286-9800  
Facsimile: (310) 286-2795

Transmittal of Amendment 6-20-08

DO NOT ENTER: /D.W./

**RESPONSE UNDER 37 C.F.R. 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 3738**PATENT  
Attorney Docket No. 101.0059-02000  
Customer No. 22862**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Gary K. Michelson )  
Serial No.: 10/674,971 )  
Filed: September 30, 2003 )  
For: METHOD FOR INSERTING AN )  
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ANATOMICALLY CONFORMED )  
TRAILING END )

Confirmation No.: 4939  
Group Art Unit: 3738  
Examiner: David H. Willse

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Commissioner for Patents  
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Alexandria, VA 22313-1450

Sir:

**AMENDMENT AFTER FINAL**

In reply to the Final Office Action of April 23, 2008, and pursuant to 37 C.F.R.  
§ 1.116, Applicant proposes that this application be amended as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on  
page 2 of this paper.

**Remarks** begin on page 8 of this paper.

Amendment After Final 6-20-08